WA 75/2007
BEFORE
HON'BLE MR JUSTICE D.BISWAS, CHIEF JUSTICE(ACTING)
HON'BLE SMT. JUSTICE A.HAZARIKA

Heard Mr SC Biswas, learned counsel for the appellant and Mr UK Nair, learned counsel for the respondents.

This appeal is directed against the judgment and order dated 4.1.2007 passed by the learned Single Judge in WP(C) No. 2145/04.

The Union of India preferred the writ petition challenging the award dated 3.7.2003 passed by the Industrial Tribunal, Guwahati in Reference Case No. 2(c)/2002. By the impugned award, the Tribunal directed the Railways to promote the appellant to the next higher grade w.e.f. 1984. The learned Single Judge allowed the writ petition setting aside the award given by the Tribunal primarily on the ground that the award was in conflict with the decision of the Apex Court in Civil Appeal No.3961/87. The learned Single Judge was of the opinion that the appellant would be given the benefit of promotion only in terms of the decision of the Apex Court i.e. w.e.f. 1997.

During the course of argument, Mr. Biswas submitted that the appellant would be content and satisfied if he is given promotion with effect from 1997 as already offered by the Railway authorities. Mr. Nair clarified that the appellant was given promotion w.e.f. 19.6.97 and in fact, he had accepted the same. Therefore, there will be no objection if a direction is issued to consider the case of the appellant w.e.f. 19.6.97 and in terms of the judgment of the learned Single Judge.

In terms of the above observations, this appeal stands disposed of.